

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
Request for Review of a Decision of the)	Administrator Correspondence Dated
Universal Service Administrative Co. for)	November 9, 2016
Putnam County School District)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6, 96-45, 13-184
Support Mechanism)	

**REQUEST FOR REVIEW OF DECISION OF THE UNIVERSAL SERVICE ADMINISTRATION
COMPANY, SCHOOLS AND LIBRARIES DIVISION BY PUTNAM COUNTY SCHOOL DISTRICT,
OR IN THE ALTERNATIVE, REQUEST FOR A WAIVER OF SECTION 54.511(a) OF THE
COMMISSION'S RULES**

Appellant/Organization Name	Putnam County School District
Funding Year	2015
Entity Number	128509

486#	Form 471#	FRN#
1184527	1051032	2871166
1184513	1051183	2871776

In accordance with sections 54.719 through 54.721 of the Commission's rules, Putnam County Schools ("PCSD" or "Applicant") requests the Federal Communications Commission's ("FCC" or "Commission") review of a decision of the Schools and Libraries Division of the Universal Service Administrative Company ("USAC" or "Administrator")¹. PCSD requests the Commission consider the information set forth in this appeal that supports PCSD's extenuating circumstances which resulted in a late filing of a Form 486 and fully reinstate the funding for the associate funding request.

OVERVIEW

Putnam County School District is a school district in Middle Tennessee comprised of 20 schools serving approximately 11,300 students. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts on eligible telecommunications services, Internet access, internal connections, and basic maintenance of internal connections. Under this regulatory authority, PCSD annually submits E-Rate application(s) for discounts on eligible products and services.

BACKGROUND and REQUEST FOR REVIEW

We are asking the Commission to review the Administrator's decision to significantly reduce Funding Request Numbers 2871166 and 2871776 by adjusting the Service Start Date where the District was unaware it had not adhered to the procedural deadline for Funding Year 2015 of the corresponding Form 486.

In its review, the Administrator determined that the Applicant missed the "120-DAY 486 DEADLINE." We will show in this appeal that the Applicant experienced extenuating circumstances regarding staffing changes and re-directives that caused the delay in filing a timely Form 486 for either of the FRNs.

¹ See attached **PCSD2015Form486NLFRN2871166** and **PCSD2015Form486NLFRN2871776**

Mr. Sloan who is the Supervisor for Technology Department at the School District wears MANY hats and, E-Rate is only one of them. He manages all the computers, user problems and day to day network challenges all Districts face and when juggling that many balls, it is understandable that one or two may get dropped. Unfortunately, that is precisely what happened in this instance. Putnam County School District was made aware of the ‘missing’ Form 486 for FRNs 2871166 and 2871776 on October 20, 2016 via an email from the Tennessee State E-Rate Coordinator and took steps immediately to correct the situation.

Due to the administrative oversight that occurred, we ask that the FCC review the Administrator’s decision and offer relief to the District and allow the service start date for the approved Funding Year 2015 funding request to start on July 1, 2015. The District believes that the above explanation illustrates special circumstances and thus should warrant a deviation from the 120-day guideline and in accordance with the “Alaska-Gateway School District (Tok, AK, et. al.)”, DA 06-1871 (Released September 14, 2006) whereby the petitioners argued (among other things):

- That the late or lack of filing was a result of immaterial clerical, ministerial or procedural errors, or circumstances beyond their control.
- *Most applicants filing these forms have other jobs aside from filing E-Rate including acting as school administrators, technology coordinators and teachers. In this case, unforeseen events or emergencies may delay the completion of the forms because no one else is there to deal with them.*
- Over the years, the FCC Form 486 deadline has varied, due to the start date of the services and date of the corresponding FCDL.

Reduction of funding in this case would inflict undue hardship on the District.

We do not believe that the Applicant should be penalized with almost complete reduction of its funding commitment due to a clearly clerical error regarding its form submission.

Considering the information set forth in this appeal, we urge the Commission to reconsider the decision made by the Administrator to reduce Funding Request Numbers 2871166 and 2871776 and restore the FRN to its original approved funding request level by allowing the service start date be changed to July 1, 2015. Loss of this funding would inflict undue hardship on the District. The District relies upon Universal Service funds for support of essential Broadband connectivity and communications services. Without these funds, the District will be forced to use its General Funds to pay for these services, funds which could be used for teachers' salaries and other critical education functions.

REQUEST FOR WAIVER

If the Commission does not grant PCSD's appeal, the District requests, in the alternative, and pursuant to Section 1.3 of the Commission's Rules, that the Commission grant a waiver of its rules to permit PCSD to qualify under the Telecommunications Act. 47 C.F.R § 1.3. For the reasons detailed below, PCSD believes such a waiver is equitable and consistent with the Act as well as prior Commission waivers relating to missed procedural deadlines.

Section 1.3 provides that the Commission may waive its rules "if good cause therefore is shown." 47 C.F.R § 1.3. A waiver is appropriate here because PCSD complied with the requirements of the Telecommunications Act. The only reason funding has been reduced is that the Applicant missed a procedural deadline.

There is no evidence in the record that PCSD engaged in activity intended to defraud or abuse the E-rate program. Reducing its request for funding would create undue hardship and prevent it from receiving E-rate funding for E-Rate eligible services already provided by the contracted service provider. Accordingly, good cause exists to grant Putnam County School District a waiver of section 54.511(a) of the Commission's rules.

We appreciate your consideration of our request and anxiously await your decision.

Most Sincerely,

/S/

Johnny Sloan

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